

JOSEPH P. RUSSONIELLO (CABN 44332)  
United States Attorney

BRIAN J. STRETCH (CABN 163973)  
Chief, Criminal Division

Brian C. Lewis (ILBN 6286715)  
Assistant United States Attorney  
450 Golden Gate Ave., Box 36055  
San Francisco, California 94102  
Telephone: (415) 436-7200  
Fax: (415) 436-7234  
E-Mail: brian.lewis@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
NEIL A. ARRUDA,  
Defendant.

No. CR 3:09-70242 (EMC)

~~PROPOSED~~ ORDER EXCLUDING  
TIME FROM MARCH 6, 2009 TO  
APRIL 10, 2009

The parties appeared before the Honorable Edward M. Chen on March 6, 2009. With the agreement of counsel for both parties, the Court found and held as follows:

1. The parties agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from March 6, 2009 to April 10, 2009. The defendant is a citizen and resident of Canada, and must return to the Northern District of California on April 13, 2009 to appear in state court on charges in San Mateo County. Defense counsel requested that the defendant next appear before this court in mid-April to allow the defendant to make a single trip back to the Northern District of California to appear for both hearings and consult with his counsel. Failure

1 to grant the requested continuance would unreasonably deny the defendant continuity of counsel  
2 and deny defense counsel reasonable time necessary for effective preparation, taking into account  
3 the exercise of due diligence and the need for counsel to review the discovery with the defendant.

4 2. Given these circumstances, the Court found that the ends of justice served by  
5 excluding the period from March 6, 2009 to April 10, 2009, outweigh the best interest of the  
6 public and the defendant in a speedy trial and filing of an indictment or information. 18 U.S.C.  
7 § 3161(h)(8)(A).

8 3. Accordingly, and with the consent of the defendant, the Court ordered that the period  
9 from March 6, 2009 to April 10, 2009, be excluded from Speedy Trial Act calculations under 18  
10 U.S.C. § 3161(h)(8)(A) & (B)(iv).

11 4. Further, the defendant consented to, and for the reasons stated above good cause was  
12 shown for, waiving the requirement that a preliminary hearing be held within the time limits set  
13 forth in Federal Rule of Criminal Procedure 5.1(c).

14  
15 IT IS SO STIPULATED.

16  
17 DATED: March 6, 2009

/s/  
\_\_\_\_\_  
JODI LINKER  
Counsel for Neil Arruda

18  
19  
20 DATED: March 6, 2009

/s/  
\_\_\_\_\_  
BRIAN C. LEWIS  
Assistant United States Attorney

21  
22 IT IS SO ORDERED.

23  
24  
25 DATED: 3/12/09

  
\_\_\_\_\_  
Edward M. Chen  
United States Magistrate Judge